

# SENATE BILL REPORT

## SHB 1816

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As Reported by Senate Committee On:  
Economic Development, Trade & Innovation, March 30, 2009

**Title:** An act relating to changing provisions related to wireless phone numbers used by directory providers.

**Brief Description:** Regarding wireless phone numbers used by directory providers.

**Sponsors:** House Committee on Technology, Energy & Communications (originally sponsored by Representatives Morrell, Bailey, Eddy, Rodne, Crouse and Hudgins).

**Brief History:** Passed House: 3/03/09, 97-0.

**Committee Activity:** Economic Development, Trade & Innovation: 3/16/09, 3/30/09 [DPA].

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### SENATE COMMITTEE ON ECONOMIC DEVELOPMENT, TRADE & INNOVATION

**Majority Report:** Do pass as amended.

Signed by Senators Kastama, Chair; Shin, Vice Chair; Zarelli, Ranking Minority Member; Delvin, Eide and Kilmer.

**Staff:** Jack Brummel (786-7428)

**Background:** Wireless telephone companies may not publish a subscriber's wireless phone number in a directory without first obtaining the subscriber's opt-in consent; failure to obtain consent is punishable by a fine of at least \$2,000 but no more than \$50,000. Subscribers may not be charged for choosing not to be listed in a directory.

Telephone directory providers may not include a Washington resident's phone number in a directory of any form without first undertaking a reasonable investigation as to whether that phone number is a wireless phone number. If an investigation reveals that a phone number is a wireless phone number, the directory provider cannot include the number in a directory without first obtaining the subscriber's opt-in consent; failure to obtain consent is punishable by a fine of up to \$50,000.

A provider of a reverse phone number search service must allow a subscriber to perform a reverse phone number search free of charge to determine whether the subscriber's wireless phone number is listed. If the subscriber's wireless phone number is listed in a reverse phone

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number search service, the subscriber may opt-out of having their number included in the reverse phone number search service. The subscriber cannot be charged for opting out of having their wireless phone number listed. Any violation of these reverse phone number search service provisions is a violation of the Consumer Protection Act.

Any provider of a directory maintained before June 12, 2008, must secure opt-in consent from each subscriber listed in the directory or remove the wireless phone numbers of any subscribers who have not provided opt-in consent.

The Attorney General may bring an action to enforce compliance with any of these provisions. The Attorney General may send a warning letter for a first violation.

**Summary of Bill (Recommended Amendments):** Directory providers and wireless telephone companies must remove a subscriber's wireless phone number from a directory upon request. The wireless phone number must be removed within a reasonable period of time, not to exceed 60 days for printed directories and 30 days for online or other directories. Failure to remove a wireless phone number within a reasonable period of time is punishable by a fine of up to \$50,000.

Subscribers may request the removal of their number from a reverse phone number search service and the provider of the service must comply within a reasonable time, not to exceed 30 days.

The prohibitions on disclosure of wireless phone numbers do not apply to use of phone numbers pursuant to the Fair Credit Reporting Act or the Gramm-Leach-Bliley Act, or to phone numbers in comprehensive reports or legal records when the record is not altered from its original form.

Provisions requiring directory providers to conduct a reasonable investigation as to whether a phone number is a wireless phone number and obtain consent from a subscriber before listing a subscriber's wireless phone number in a directory are repealed.

Directory is defined and technical changes are made.

**EFFECT OF CHANGES MADE BY ECONOMIC DEVELOPMENT, TRADE & INNOVATION COMMITTEE (Recommended Amendments):** The bill repealed provisions requiring directory providers to secure opt-in consent for directories in existence before June 12, 2008. This has been restored in the amendment.

The amendment defines "directory" and makes technical changes.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Committee/Commission/Task Force Created:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Staff Summary of Public Testimony on Substitute House Bill:** PRO: When this law was passed in 2005, it applied only to wireless providers. It was changed in 2008 but the definition of directory providers was too broad. Law enforcement needs to be able to share data.

OTHER: The provision referring to the state's credit act is confusing. The definition of directory provider needs amending.

**Persons Testifying:** PRO: Representative Morrell, prime sponsor; James Curry, Consumer Data Industry Association; Tim Schellberg, White Pages.Com;

OTHER: Tom McBride, Lexis/Nexis, Real Elsevier.